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NOV 17 2014

ORDINANCE NO. 4573

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AGRICULTURAL DISTRICT (AG-1) TO PLANNED AREA DEVELOPMENT (PAD) FOR LIGHT INDUSTRIAL AND COMMERCIAL RETAIL IN CASE (DVR14-0018 WILLIS AND ARIZONA AVENUE CORPORATE PARK) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

SEE ATTACHMENT 'A'

Said parcel is hereby rezoned from Agricultural District (AG-1) to Planned Area Development (PAD) for light industrial and commercial retail, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "WILLIS AND ARIZONA AVENUE CORPORATE PARK", kept on file in the City of Chandler Planning Division, in File No. DVR14-0018, except as modified by conditions herein.

2. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. All structures on the property shall remain below the protective surfaces as defined in Federal Aviation Regulation Part 77 and/or in relation to limits established in FAA determined Terminal Procedures (TERPS). All construction cranes shall be installed and operated in accordance with FAA rules and regulations including notification through the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
7. Prior to building permit issuance for any structures the developer shall provide a DETERMINATION OF NO HAZARD TO AVIATION approval as issued by the FAA after filing an FAA Form 7460, Notice of Proposed Construction or Alteration.
8. The developer shall provide the City with an avigational easement over the subject property in accordance with Section 3004 of the City of Chandler Zoning Code.
9. Permitted uses include all Planned Industrial District (I-1) uses, as well as, bicycle sales, rental, service and storage, broker investments and loans, clothing manufacturer, membership clubs not operated for profit excluding adult service business, business college, dance hall and club excluding adult service business, florist, garden shop, gymnasium, fitness center, personal training, martial arts, yoga/Pilates studio (front building with drop area added and no H occupancy adjacent to such use), health center, insurance company or agency, interior decorator, lodges, fraternal and social organizations, headquarters for scouts and other youth organizations, motor vehicle rental, music or dancing school, sales of orthopedic braces, artificial limbs, etc., repair shop for small goods (enclosed), and uniform sales or renting.

SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning Division of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4573 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2014, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *KSM*

PUBLISHED:

EXHIBIT "A"

PARCEL 1:

COMMENCING AT THE WEST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 21 MINUTES 30 SECONDS EAST, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 3, A DISTANCE OF 1322.96 FEET, TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3;

THENCE SOUTH 0 DEGREES 01 MINUTES 05 SECONDS WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIES ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 0 DEGREES 01 MINUTES 05 SECONDS WEST, ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, A DISTANCE OF 629.26 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3;

THENCE NORTH 89 DEGREES 21 MINUTES 30 SECONDS EAST, A DISTANCE OF 73.81 FEET TO A POINT LYING 30.00 FEET WESTERLY FROM THE EXISTING CENTERLINE OF THE SOUTHERN PACIFIC RAILROAD TRACT;

THENCE NORTH 0 DEGREES 00 MINUTES 30 SECONDS EAST, PARALLEL WITH AND 30.00 FEET WESTERLY FROM THE CENTERLINE OF SAID SOUTHERN PACIFIC RAILROAD TRACK, A DISTANCE OF 629.26 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIES ROAD;

THENCE SOUTH 89 DEGREES 21 MINUTES 30 SECONDS WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WILLIES ROAD, A DISTANCE OF 73.71 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPTING THEREFROM THAT PART OF THE ABOVE DESCRIBED TRACT LYING EAST OF THE ARIZONA EASTERN RAILROAD COMPANY'S RAILROAD RIGHT-OF-WAY, AS DESCRIBED IN WARRANTY DEED RECORDED DECEMBER 1, 1949, IN DOCKET 467, PAGE 520, RECORDS OF MARICOPA COUNTY, ARIZONA; AND ALSO

EXCEPTING THEREFROM A TRACT OF LAND CONVEYED TO THE ARIZONA EASTERN RAILROAD COMPANY BY INSTRUMENT RECORDED OCTOBER 14, 1912 IN DEED RECORDED IN DOCKET 101, PAGE 256, RECORDS OF MARICOPA COUNTY, ARIZONA.